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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,743	09/29/2000	Jeremy Mark Cohen	T1118/20040	2840

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EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,743

Applicant(s)

COHEN ET AL.

Examiner

Vicky A. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 12-16 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) 21-27 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12-16 and 28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 16, 2003 has been entered.

Election/Restrictions

2. Newly submitted claims 21-27 and 29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly submitted claims are directed toward a distinct species that required two one-way valves, fluidly connecting the first and second chambers together. The originally elected species requires a feather washer to obstruct the flow of fluid.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-27 and 29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

3. The drawings were received on June 16, 2003. These drawings are approved.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 16 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenton.

Fenton discloses a handlebar comprising: a frame (A) having opposing tubular outer ends (see Fig 2), a shaft (b) having first and second shaft ends (see Fig 2), the first shaft end being slidably connected with one of the tubular outer ends (see Fig 2), a bias member (G) operatively associated with the shaft and the frame so as to bias the second shaft end away from the one tubular end of the frame (col. 3 lines 20-25), and a dampener (H) operatively associated with the shaft and the frame so as to dampen displacement of the second end of the shaft away from the one tubular outer end of the frame (col. 3 lines 25-37), wherein upon impact force with the frame the bias member compresses and after the impact force is released the dampener slows the return speed of the bias member towards its pre-impact position (col. 3 lines 20-37).

Re claim 2, the bias member is a helical spring (see Fig 2).

Re claim 4, a cover (C) coupled with the shaft to slidably telescope on the one outer end of the frame (see Fig 2).

Re claim 16, a tubular frame (A) having a tubular outer end (see Fig 2), a shaft (b) having opposing first and second shaft ends (see Fig 2), the first shaft end being

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slidably telescoped the frame outer end (see Fig 2), and a fluid (air) dampener (H) operatively associated with the shaft and the frame so as to slow movement of the shaft out of the outer end (col. 3 lines 25-37), wherein upon impact force with the frame the bias member compresses and after the impact force is released the dampener slows the return speed of the bias member towards its pre-impact position (col. 3 lines 20-37).

Re claim 28, Fenton shows a first chamber associated with the second shaft end (see Fig 2), and a dampening fluid (air) contained within the first chamber (see Fig 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton in view of Noel.

Fenton discloses a handlebar as described above, but does not disclose the handlebar having a compressible cap coupled with the second shaft end.

Noel discloses a compressible cap (30) coupled with a shaft end for movement with the second shaft end (col. 3 lines 49-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the compressible cap of Noel on the Handlebar of Fenton in order to reduce the risk of injury to the rider (col. 1 lines 50-53).

8. Claims 12-14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton in view of Johnsen.

Fenton discloses a handlebar as described above, but does not disclose an air flow dampener having a first orientation and a second orientation to slow the displacement of the second end of the shaft toward and away from the frame.

Johnsen discloses an air flow damper (76b) connected to a shaft such that the damper is in a first non-fluid obstructing orientation when the shaft is displaced toward the frame, and a second fluid flow obstructing position when the shaft is displaced away from the frame (col. 8 lines 13-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the handlebar of Fenton with the damper of Johnsen in order to effectively absorb shocks through the frame (col. 1 lines 62-67).

Re claim 13, Fenton shows the bias member is a helical spring (see Fig 2).

Re claim 14, Johnsen shows the airflow washer is a feather washer (see Fig 10).

Re claim 20, Fenton shows the biasing member coupled between the shaft and the frame so as to absorb energy as the shaft slides into the outer end of the frame (see Fig 2).

Response to Arguments

Some further comments regarding the Applicant's remarks are deemed appropriate.

The Applicant argues that the Fenton reference does not meet the limitation of claims, because it fails to disclose a dampener used to dampen

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displacement of the shaft away from the frame. When the grip is moved to the left due to an impact, the spring (G) is compressed and then released biasing the grip away from the frame. When the spring (G) releases it applies a force against the right end of the grip forcing the second spring (H) to compress and dampen the vibration. The Applicant's Figure 1B shows that the first spring (G) as being compressed, but it does not show any movement of the second spring (H) and the nut (F) does not move as it threaded onto the handle bar (col. 2 lines 97-101). Fenton describes the function of the second spring (H) as "...the spring H, the latter will bring the parts into normal position again when the pressure from the rider's grasp is removed." The second spring (H) will be compressed against the nut (F), and the damping action (to some degree) of the spring against the washer will occur when the impact has been released. Therefore, the Fenton reference meets the limitation of the claim.

It is also argued that the Noel reference does not meet the limitation of the claims, because it fails to disclose a dampener used to dampen displacement of the shaft away from the frame. The Noel reference is relied upon to show the obviousness of a handlebar having a compressible cap coupled with the second shaft end. The Fenton reference discloses a dampener used to dampen displacement of the shaft away from the frame. Therefore, the Noel reference meets the limitations of the claim.

The Applicant also argues that the Johnsen reference does not meet the limitation of the claims, because it fails to disclose a dampener used to dampen displacement of the shaft away from the frame. The Johnsen reference is relied upon to

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show the obviousness of a damper to absorb vibrations (col. 1 lines 62-67). Therefore, the Johnsen reference meets the limitations of the claim.

The Applicant's remarks have been given due consideration, however, they are not deemed fully persuasive.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

vaj *vaj* 8/28/03
August 28, 2003


Thomas R. Hannon
Primary Examiner